FRANK L.STONFF Esq, Solicitor for Plaintiff, Vincent Sebold Esq, Solicitor for Plaintiff, Peter F. Burket and Jacob L. Topper Witnesses;-

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Jacob L. Topper, et al.

No. 10837 <u>E Q U I T Y</u>.

VS.

In the Circuit Court

Lillie Hoke Rosensteel, et al.

for Frederick County.

Guy K.Motter, Esq., Examiner in Chancery, Frederick, Md.

Dear Sir; In the above case, the Defendants, Iillie Hoke Posensteel and William E. Posensteel, her husband, Harry M. Hoke and Etta May Hoke, his wife, Anna Hoke Nimmich and Samuel R. Minnich, her husband, Fannie Fortney and John E. Fortney, her huband, Sarah Dorner and Iewis F. Dorner, her husband, Cleveland Hoke and Agnes Hoke, his wife, do not desire to cross-examine the Plaintiff's witnesses, or offer any testimony in their own behalf.

And they do hereby assent to your returning forthwith to the Court the testimony, already taken in this cause, consisting of the depositions of P.F. Burket and Jacob I. Topper.

Harry C. Kallen

Attorneys for the above named Defendants.

P.F.Burket one of the Complainants in this cause, a witness of lawful age, produced on behalf of the Complainants, having been first sworn, deposes and says;-

- Q. State your name, age and residence.
- A. My name is Peter F. Burket. I reside in Emmitsburg, Frederick County, Maryland. My age is 61 and I am party Complainant in this cause.
- Q. Did you know Michael Hoke in his lifetime, if so is he dead or living?
- A. I did know him in his lifetime for forty years. He died during the month of June, in the year A.D. 1923.
- Q. State whether or not he died testate or intestate.
- A. He died intestate.
- Q. State whether or not he left sufficient personal property to pay the debts due and owing by him at the time of his death.
- A. He left no personal property and there has been no administration of his estate.
- Q. State whether or not he left any real estate, if so please describe it.
- A. I look at Exhibit No.1 and I find that they correctly describe the real estate of which he died seized.
- Q. State whether or not his estate is indebted to the Complainants, if so to what extent. Give the particulars and reference thereto.
- A. He is indebted to the Complainants, Jacob L. Topper and Robert I. Topper, partners trading under the firm, name and style J. I. Topper and Con, in the sum of one Hundred Forty-Seven Pollars and Fifty (\$147.50) Cents, for casket and services rendered in connection with the burial of said Michael Hoke. I have been advised that there are other debts due and owing by said estate and see by the proceedings a claim filed by William Jacobs & Sons, of Baltimore, for Ninety-Four Dollars and Seventy-Six (\$94.76) Cents and the Pecoradiscloses a debt of about Eight Hundred (\$800.00) Dollars due and owing the Farmers' State Bank, of Baltimore, for Ninety-Four Dollars and Seventy-Six (\$94.76) Cents and the Record discloses a debt of about Eight Hundred (\$800.00) Dollars due and owing the Farmers State Bank, of Emmitsburg.
- Q. State the name and prace of residence of the heirs at law of the said Michael Hoke who survived him at the time of his death and in whom the real estate hereinbefore described vested, subject to the debts due and owing at the time of his death.
- A. He left no widow, his wife having predeceased him and he left the following named children all adults, to wit; Lillie Hoke Rosensteel, a daughter, whose husband's name is William E. Rosensteel, who resides in Baltimore City. A son, Harry Hoke, whose wife's name is Etta Hoke, adults residing in